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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,291	11/10/2003	George C. Schedivy	8002A-86	5428

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F. CHAU & ASSOCIATES, LLC
130 WOODBURY ROAD
WOODBURY, NY 11797

EXAMINER

LARSON, JUSTIN MATTHEW

ART UNIT	PAPER NUMBER
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3782

MAIL DATE	DELIVERY MODE
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10/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/705,291

Applicant(s)

SCHEDIVY, GEORGE C.

Examiner

Justin M. Larson

Art Unit

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-25, 27, 29-32, 34-37, 43-46, 48 and 50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-25, 27, 29-32, 34-37, 43-46, 48 and 50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/11/07 has been entered.

Specification

2. The specification is objected to because on pages 20 and 21, the wedge is referenced with both of the numbers 416 and 216. From the drawings, it appears as though 416 is the correct number and that 216 is a mistake, as no wedge is shown as being associated with 216. Appropriate correction or clarification is required.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the wedge being locked into a plurality of positions along the y-axis must be shown or the feature(s) canceled from the claim(s). Currently the wedge is shown in a single position with no mechanism that would allow for adjustment or locking capabilities. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 20-25, 27, 29-32, 34-37, 43-46, and 48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 20 and 37 recite a wedge that is positively locked into a plurality of positions along the y-axis. It is unclear how any object can be locked into a plurality of positions along a single axis at any one given time. At any one given time the object can only be locked in a single position along a single axis. For the purpose of examination, these limitations are being

treated as functional to the degree that it appears the wedge of Applicant's invention is only capable of being locked in a plurality of positions along the y-axis, each position occurring at separate times at the user's discretion.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 20, 27, 29-31, and 34-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Adams et al. (US 6,380,978 B1).

Regarding claim 20, Adams et al. disclose a video system, comprising an entertainment unit (10) comprising a display (14) and a media source (26), a housing (12) attached to at least one rigid member (upper portion of the seat attachment to which the housing is shown to be snapped to, Figure 2A) adjustably coupled to at least one headrest support member of a seat in a vehicle (note that if a user wants, the rigid support member of Adams et al. could be attached to only one of the headrest supports instead of both) and suspended at a rear of the seat, wherein the housing includes a cavity to temporarily receive the entertainment unit (10) in the housing (12) and suspend the entertainment unit from the seat, and a wedge positioned between the seat and the housing (see Figure 2A). Note that the DVD player and its internal components could be removed from the outer casing (12) if one so desired.

The initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Adams et al. which is capable of being used in the intended manner, i.e., the user somehow locking the wedge into a plurality of positions along the y-axis. There is no structure in Adams et al. that would prohibit such functional intended use (see MPEP 2111). Examiner notes that the claims present no specific structure that allows the wedge to be locked into the claimed positions and therefore fail to define over such an interpretation.

Regarding claim 27, the wedge of Adams et al. has one end mounted to the housing and another end butted against the seat (see Figure 2).

Regarding claim 29, materials can either be bendable or unbendable. Therefore, the housing of Adams et al. must be one of the two.

Regarding claim 30, the housing of Adams et al. includes an opening (DVD slot) that provides access to the media source.

Regarding claim 31, the housing of Adams et al. includes an opening for allowing a view of the display.

Regarding claim 34, the video system of Adams et al. is shown to have a power port (Figure 2A).

Regarding claim 35, the media source of Adams et al. is slot-type.

Regarding claim 36, the media source of Adams et al. includes a DVD player (10).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 20-25, 27, 29-31, 34-37, 43-46, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. in view of Yoshioka.

Regarding claim 37, the video system of Adams et al. comprises an a display (14), a media source (26) coupled to the display, and a housing (12) suspended at a rear of a vehicle seat, wherein the housing includes a cavity to receive an entertainment unit (10) in the housing and suspend the entertainment unit from the seat and the housing is capable of being fixed to different positions using a mounting mechanism that includes a wedge (see Figure 2A) positioned between the vehicle seat and the housing wherein the wedge is capable of being locked into a plurality of positions along the y-axis, as set forth in paragraph 7 above. Adams et al. fail to disclose the mounting mechanism including at least one mounting post positioned between the seat and the housing. Instead, the mounting mechanism of Adams et al. include a flap of material attached to an upper end of the housing where the flap of material has two holes for mounting about the two posts of a vehicle seat headrest. Yoshioka, however, also discloses a device housing (3) suspended from the posts of a vehicle seat headrest and teaches that a mounting mechanism located between the device housing (3) and the seat includes at least one mounting post (2). It would have been obvious to one having

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ordinary skill in the art at the time the invention was made to implement a mounting mechanism having at least one post, like that of Yoshioka, on the device of Adams et al., in place of the flap material mounting mechanism, since both mounting mechanisms are known means for suspending a device from a vehicle seat headrest.

Regarding claim 20, the modified Adams et al. video system comprises an entertainment unit (10) comprising a display (14) and a media source (26), a housing (12) attached to at least one rigid member, mounting post (2) as taught by Yoshioka, adjustably coupled to at least one headrest support member of a seat in a vehicle and suspended at a rear of the seat, wherein the housing includes a cavity to temporarily receive the entertainment unit (10) in the housing (12) and suspend the entertainment unit from the seat, and a wedge positioned between the seat and the housing, wherein the wedge is capable of being locked into a plurality of positions along the y-axis. Note that the DVD player (10) and its internal components could be removed from the outer casing (12) if one so desired.

Regarding claim 21, the rigid member of the modified Adams et al. video system is coupled to the at least one headrest support member using a bracket (1), as taught by Yoshioka.

Regarding claim 22, the bracket of the modified Adams et al. video system is in the shape of a ring as it wraps around the headrest supports and includes a locking mechanism (5/6), as taught by Yoshioka.

Regarding claims 23 and 44, so far no specific attachment means has been established between the mounting post as taught by Yoshioka and the housing of the

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modified Adams et al. video system. Looking at Yoshioka's original device, however, the mounting post is attached to the device housing (3) via a movable joint (near 18) that allows a user to adjust the angle at which the device is supported. It would have been obvious to one having ordinary skill in the art at the time the invention was made to movably attach the mounting post of the modified Adams et al. video system to the device housing of the modified Adams et al. video system, as taught by Yoshioka, so that a user could adjust the position at which the device was held based on the user's viewing preferences.

Regarding claims 24 and 45, the mounting post of the modified Adams et al. video system would be capable of being fixed in a plurality of positions along at least one of the x-axis, the y-axis, and the z-axis.

Regarding claims 25 and 46, the mounting post implemented on the Adams et al. video system, as taught by Yoshioka, is fixed using a locking nut (6).

Regarding claims 27 and 48, the wedge of the modified Adams et al. video system has one end mounted to the housing and another end of the wedge if butted against the vehicle seat (see Figure 2A).

Regarding claim 29, materials can either be bendable or unbendable. Therefore, the housing of the modified Adams et al. video system must be one of the two.

Regarding claim 30, the housing of the modified Adams et al. video system includes an opening (DVD slot) that provides access to the media source.

Regarding claim 31, the housing of the modified Adams et al. video system includes an opening for allowing a view of the display.

Regarding claim 34, the modified Adams et al. video system is shown to have a power port (Figure 2A, Adams).

Regarding claim 35, the media source of the modified Adams et al. video system is slot-type.

Regarding claim 36, the media source of the modified Adams et al. video system includes a DVD player (10).

Regarding claim 43, the mounting post of the modified Adams video system would be attached to the housing and the other end attached to the headrest post of the vehicle seat.

10. Claims 32 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. in view of Meritt (US 6,216,927 B1).

The video system of Adams et al. includes the claimed features except for the housing being formed in substantially a U-shape having an open side through which the entertainment unit is inserted or removed. Meritt, however, discloses a similar video system suspended at the rear of a vehicle seat and teaches that a housing is substantially U-shaped having an open side through which the entertainment unit is inserted or removed. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a housing like that taught by Meritt with the video system of Adams et al., where the housing would be attached to the vehicle seat and the entire entertainment device (10/12/14/26) would be removably stored within the housing such that the device could be easily removed from the housing for use outside the vehicle.

Response to Arguments

11. Applicant's arguments with respect to the Adams et al. reference have been fully considered but they are not persuasive. Applicant has asserted that Adams et al. do not disclose or suggest a wedge positioned between the seat and the housing, wherein the wedge is locked into a plurality of positions along the y-axis. As set forth in paragraph 5 above, Examiner maintains the position that these limitations are functional to the degree that they are understood. Adams et al. clearly disclose a wedge in Figure 2A where the wedge is positioned between the seat and the housing and there is no structure in Adams et al. that would prevent a user from somehow locking the wedge into a plurality of positions along the y-axis.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on Monday - Thursday, 7am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JML
9/26/07


NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER